

REMARKS

Claims 12 to 22 are now pending.

Reconsideration is respectfully requested based on the following.

Claims 12 to 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,167,335 “Ide” in view of U.S. Patent No. 6,137,335 “Khairallah”.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Still further, the prior art must disclose or suggest each claim feature and it must also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (*See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990)).

As explained herein, it is respectfully submitted that the cited references, whether considered alone or in combination, do not disclose or suggest all of the features of the claims.

Claim 12, as presented, includes the feature of detecting an acceleration value in a z direction while simultaneously generating a corresponding second signal, in which the z direction is a vertical direction, and in which the occupant protection device will not trigger **unless the value in the z direction is below a threshold**. As the Office Action notes, the “Ide” reference does not refer to a z or vertical direction. The Khairallah reference is asserted to overcome this deficiency in Ide. The Khairallah reference refers to a “controller [that] actuates the device (e.g., [an airbag]) to protect the occupant [] in response to the first metric[, acceleration in the x or y direction,] indicating a vehicle crash condition and the second metric[, acceleration in the z direction,] *exceeding* a predetermined threshold.” (Khairallah, Abstract, lines 8-11 (emphasis added)). Thus, The Khairallah reference does

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not disclose, teach, or suggest "triggering the occupant protection device . . . [only when] the value in the z direction is below a threshold" as provided for in the context of claim 12, as presented.

Claims 12 to 20 depend from claim 12, as presented, and are therefore allowable for at least the same reasons as claim 12, as presented.

Claim 21 includes features similar to claim 12, as presented, and is therefore allowable for essentially the same reasons as claim 12, as presented. Claim 22 depends from claim 21, as presented, and is therefore allowable for at least the same reasons as claim 21, as presented.

In summary, all of claims 12 to 22 are allowable.

CONCLUSION

In view of the foregoing, all of claims 12 to 22 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

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By:

Gerard A. Messina
(Reg. No. 35,952)

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646

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